

### **REMARKS**

The Office Action dated February 1, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

In accordance with the foregoing, claims 2-14, 16-18, and 20 have been amended to improve clarity of the features recited therein and claims 1 and 21 have been cancelled, without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Applicants are grateful for the indication that claims 17-20 have been allowed. Claims 2-8 and 10-16 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, claims 2 and 10 are rewritten in independent form including the base claims 1 and 21, respectively, from which they depend. Furthermore, claim 9 has been amended to include similar recitations as those of objected claim 10, but including means-plus-function recitations. Thus, it is respectfully submitted that independent claims 2, 9, and 10 and related dependent claims are in condition for allowance.

Claims 2-20 are pending and under consideration.

### **REJECTION UNDER 35 U.S.C. § 112:**

On page 2 of the Office Action, claim 2 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness because, according to the Office Action, it is unclear

where the third set of nodes recited in this claim are located. In response, claim 2 has been amended reciting, “a third set of nodes of the network.”

Accordingly, it is respectfully requested that the § 112, second paragraph rejections to the claims be withdrawn.

On page 2 of the Office Action, claim 21 (now incorporated into claim 10) was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness because, according to the Office Action, the processors recited in this claim cannot perform the duties described without having some type of stored software and/or procedures. Applicants respectfully traverse the rejection.

In particular, Applicants respectfully indicate that the first and second processors recited in independent claim 21 are simply generic terms used to describe the structural configuration of the system to enhance fairness and performance in a multihop ad hoc network recited in this claim. Therefore, a person of ordinary skill in the art would not narrowly construe the first and second processors of independent claim 21 to be necessarily limited to elements that must include software instructions stored on a computer readable medium which are executed by the processors. Any type of first element that is configured to provide contention synchronization information regarding a transmission between a first set of nodes of the network, and configured to provide the information to a second set of nodes in a range of two hops from the first set of nodes participating at the transmission; and any type of second element that may be configured

to set a waiting time for the first set of nodes after a successful finish of the transmission, in which the first set of nodes backoff from accessing a transmission medium may be used.

Claim terms are to be read in the context of the particular claim, as well is in the context of the entire patent application, including the specification. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1313, 75 USPQ2d 1321, 1326 (Fed. Cir. 2005) (en banc). Moreover, patent applicants like Appellants are entitled to be their own lexicographer, and when the specification reveals a special definition given to a claim term, the inventors' lexicography governs. *Id.* at 1329. *See also CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366, 62 USPQ2d 1658, 1662 (Fed Cir. 2002). Accordingly, we suggest indicating in the Response that construing the claimed features as suggested in the Office Action would be unreasonable and erroneous because it would fail to accord proper deference to the inventors' lexicography. As MPEP 2111.01 (III) indicates, "An applicant is entitled to be his or her own lexicographer."

Accordingly, it is respectfully requested that the § 112, second paragraph rejections to the recitations of claim 21, now incorporated into allowed claim 10, be withdrawn.

At page 3 of the Office Action, independent claims 1, 9, and 21 were rejected under 35 U.S.C. § 103 as being unpatentable over Haas et al. "Dual Busy Tone Multiple Access (DBTMA) –A Multiple Access Control Scheme for Ad Hoc Networks" and in

view of U.S. Patent No. 5,884,171 to Tanabe et al. ("Tanabe"). The Office Action took the position that Haas and Tanabe discloses all the aspects of claims 1, 9, and 21. Because claims 1 and 21 have been cancelled and because claim 9 has been amended to incorporate allowed subject matter, it is respectfully requested that the rejection to the claims in view of Haas and Tanabe be withdrawn.

**CONCLUSION:**


In view of the above, Applicants respectfully submit that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicants further submit that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicants therefore respectfully request that each of claim 9 be found allowable and, along with allowed claims 2-8 and 10-20, this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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